

In re: UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

JAN 30 2004

KENNETH JACKSON,

Plaintiff

U.S. DISTRICT COURT  
DISTRICT OF MASS.

v.

Civil Action

No. 04-30004-MAP

COMMONWEALTH OF MASSACHUSETTS,

Defendant

NOTICE OF APPEAL

The above named party plaintiff Kenneth Jackson (MS4058) is the party taking Statutory appeal as of right from the above entitled Federal District Court

"ORDER REGARDING REPORT AND RECOMMENDATION FOR SUMMARY DISMISSAL" entered on January 22, 2004.

The appeal is timely taken to the UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT in Boston, Commonwealth of Massachusetts.

Page One

The appeal jurisdiction is taken under Title 28 United States Code Service:  
Section 1443., subsection (1);  
Section 1447., Subsections (a)(b)(c)(d);  
Section 1446., Subsections (a)(b)(d)(e);  
Section 1449., and Section 1450., as applied upon Massachusetts General Laws Annotated Chapter 40., Section 37A., as applied upon Chapter 123A., Sections i., Section 12., Subsections (a)(b)(c)(d)(1)(2)(3)(4), (e);  
Section 13., Subsections (a)(b)(c);  
Section 14., Subsections (a)(b)(c)., thereof.  
Commonwealth v. Bruno, 432 Mass. 489, 735 N.E. 2d 1222, 1228, 1228, 1229, 1236, 1237, (Mass. 2000) is the leading State case law as plaintiff relied upon, on appeal.

This appeal as of right is further taken pursuant to Title 28 United States Code Service, Section 1915., Subsection (e)., and pursuant to all of the applicable 'in forma pauperis' Federal Statute laws, which presents claims actionable under Title 42 United States Code Service, Section 1983., thereof.

This appeal is taken from the above specified January 22, 2004, one page Order of the Honorable Federal District Court JUDGE in Springfield, Commonwealth of Massachusetts, at its first, second, third, and fourth sentences.

This appeal is taken upon the substantial merit Federal question, namely:

(a) In plaintiff's case herein can Massachusetts General Laws Annotated Chapter 40., Section 37A., require the black African origin race and skin coloration of the plaintiff Kenneth Jackson (M84058) "be" the State Statutory 'crime' the plaintiff committed and upheld as such by way of the Fourteenth Amendment Equal Protection of the Laws Clause to the Bill of Rights to the Constitution of the United States of America.  
The whole record and all of the above entitled case is specified for the appeal respectfully sought herein, against the State trial Court's civil action no. 03-694, case, which is a Federal jurisdiction actionable removable case.

Whereupon, the party plaintiff Kenneth Jackson (M84058) hereby respectfully make Notice of Appeal as herein timely declared. This notice is timely mailed, United States first class mail, postage prepaid as indigent pro se legal mail on this 27<sup>th</sup> day of January , 2004.

Respectfully Submit, Present, File  
Mr. Kenneth Jackson (M84058)  
Plaintiff, Pro Se, Indigent  
Commonwealth of Massachusetts, Bridgewater  
Treatment Center, 30 Administration Road,  
Bridgewater, Massachusetts 02324.

Proof Of Service  
This statement is to submit proof of service to the Office of the Clerk of Court, United States District Court, United States Courthouse, 1550 Main Street, Springfield, Massachusetts 01103, timely on the above declared date.

Respectfully Submitted  
Mr. Kenneth Jackson (M84058)

Page Four